

28 JAN 1980

MEMORANDUM FOR: Chief, Logistics and Procurement Law Division

FROM:

Chief, Plans and Programs Staff, OL

STAT

SUBJECT: Motor Gasoline Allocation

REFERENCE: Title 10 CFR 211.103 - Allocation Levels

1. The reference defines the allocation levels for end users who are bulk purchasers of gasoline. There are two allocation levels: one-hundred percent of base period use (the period November 1977 through October 1978), and one-hundred percent of base period use as reduced by application of the allocation fraction. The Department of Defense (DOD), agricultural production, and emergency services, fall under the first level, while gasoline made available for industrial, commercial, and government use is reduced by a fraction. The question arises as to which level applies to the Agency.

2. During the spring gasoline shortages, a number of our domestic field operations were being affected because of the shortage of gasoline. On several occasions our Headquarters motor pool gasoline supply was precariously low. We, along with other government agencies experiencing similar problems, approached the Department of Energy and the General Services Administration in an effort to obtain some relief. Among those agencies which participated with us were the Secret Service, Internal Revenue Service, the Federal Bureau of Investigation, the U. S. Postal Services, and the State Department.

3. As a result of these meetings, the allocation system was changed to permit "law enforcement" agencies to fit into the category of emergency service, and therefore, receive gasoline up to the amount of 100 percent of the base period. The term "law enforcement" has been applied rather loosely,

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and while we are currently receiving gasoline under this allocation level, DOE is questioning whether or not we should.

4. We have consistently stated at our meetings, that CIA is not a law enforcement agency, but rather our case is to be made on the basis of national security; therefore, our mission is more akin to that of DOD rather than that of the "law enforcement" agencies. What is needed at this time is acceptance by DOE that this is the case, and the Agency is to continue to receive the 100 percent allocation.

5. Request your office negotiate with the DOE to accept such an interpretation, and that the category "national security" be specifically added to the first allocation level. If DOE is not amenable to aiding us in this endeavor, we suggest you seek the assistance of the Congressional Intelligence Committees.

6. It appears that the energy crisis is going to be with us for a long time. Your immediate attention to this request would be appreciated. Please contact [redacted] if we can be of further assistance.

cc: Procurement Division

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(24 Jan 80)